Before the FEDERAL COMMUNICATIONS COMMISSION Washington D.C. 20554

In re Application of)	
New Young Broadcasting Holding Co., Inc.)	File No. BTCCDT-20130703ADG
)	MB Docket No. 13-191
For Voluntary Transfer of Control of)	
WLNS-TV, Lansing, Michigan)	
Facility ID No. 74420)	

To: The Secretary, Federal Communications Commission

Attn: The Chief, Video Division, Media Bureau

INFORMAL OBJECTION

Spartan-TV, L.L.C. ("Spartan"), licensee of WHTV(TV), Jackson, Michigan (Facility ID No. 29706), pursuant to Section 73.3587 of the Commission's rules, hereby objects to the captioned applications seeking Commission consent to the merger of Young Broadcasting Holding Co., Inc. ("Young") and Media General Communications Holdings, LLC ("Media General"), absent affirmation by Young and Media General of their compliance with the Commission's rules governing shared service agreements ("SSAs") and joint advertising agreements ("JSAs").

Given industry consolidation, well-managed SSAs and JSAs are an essential tool that allows a small broadcaster to survive in any size market. However, in this instance they are being used to destroy competitive broadcasting that serves the public interest and expedite the destruction of small-market broadcasting.¹ In fact, Spartan, which operates the MyNetwork

¹This pattern is similar in the Albany, New York DMA, where via New Young's debt, Mr. Galloway bought the Fox affiliate and soon thereafter the local news was shut down. Spartan's parent, Venture Technologies Group, LLC recently sold WNYA, the My Network affiliated station, under a distressed waiver to Hubbard Broadcasting as it cannot compete as an independent My Network affiliate in a market where the four major network affiliates are held by fewer than four licensees and are in SSAs and JSAs with each other.

affiliate in the Lansing market, has an SSA and JSA with Young for its station WHTV in the Lansing market that has been and continues to be operated in full compliance with FCC rules and regulations regarding SSAs and JSAs.²

For SSAs and JSAs to enhance a broadcaster's ability to serve the public interest, all stations must be playing by the same FCC rules and regulations, otherwise broadcasting becomes a horizontal monopoly. Young is the licensee of WLNS-TV, Lansing, Michigan, the CBS Network affiliate in the market. Spartan leases studio space from Young at its WLNS site. Pursuant to the terms of its SSA with Young, Young employees provide certain services – such as back office and engineering – to WHTV for a fee. Ultimate control and management of WHTV remains under the control of Spartan employees, with the Spartan station manager and traffic manager reporting directly to Spartan's vice president and interacting with the Spartan senior management on a daily basis. Pursuant to FCC rules, Spartan also continues to negotiate for and secure all its own programming. Likewise, it preserves its own identity in the market by, among other things, maintaining a website branded only for WHTV.

Young has entered into a second SSA for a station in the Lansing market – WLAJ(TV), Lansing, Michigan, the ABC Network affiliate licensed to WLAJ-TV LLC. In Lansing, where WHTV, WLAJ and WLNS now share space, there does not appear to be an independent management structure in place for WLAJ, with the two employees assigned to WLAJ appearing to report to WLNS employees. Moreover, shortly after the sale of WLAJ to its new owner³ and the commencement of the SSA with Young, the facilities of WLNS and WLAJ were merged, the

² We anticipate that New Young may elect to discontinue the SSA and JSA with Spartan in retaliation for this *Informal Objection*, possibly requiring Spartan to sell WHTV under a distressed waiver as it had to do with WNYA. The FCC should consider the effects of the grant of the above-captioned application on independent broadcasters. ³ *See BALCDT-20121011AAP*. WLAJ-TV LLC's parent is Shield Media Lansing LLC, whose managing member is Sheldon Galloway, a former Young board member. The assignment application further discloses that Young guaranteed substantially all of the financing needed for Shield Media to acquire WLJA.

local ABC newscast was mothballed and replaced with a simulcast of the WLNS newscast, and the entire website for WLAJ was shut down with all web traffic re-directed to the WLNS website.

The FCC rules governing SSAs and JSAs are not broken when they are conscientiously followed. In the case of WLAJ and WLNS, the new "owner" of WLNS is a recently retired board member of the corporate parent of the licensee of WLAJ. There is no local management, there is no local news, there is no local website. The controlling interest in the debt that the new licensee of WLAJ used to acquire the license of WLAJ is controlled by the owners of the parent of the licensee of WLNS. There should be economic independence to insure the integrity of SSAs and JSAs and to ensure that there is an independent voice in the market. Every broadcaster should be required to follow the same FCC rules.

To maintain the public interest value of SSAs and JSAs, all broadcasters must be committed to ensuring that SSAs and JSAs follow the letter – not just the spirit – of the law. Therefore, Spartan asks that the Commission require the licensees of WLNS and WLAJ to certify compliance with the rules governing SSAs and JSAs as a condition to and prior to its grant of the above-captioned applications. All members of their SSA should be required to file statements under penalty of perjury that they are in full control of their stations and that provide proof of daily management of their licensed stations.

Spartan requests that prior to the grant of the above-referenced application, WLNS and WLAJ certify under penalty of perjury that:

1. There are minimally two management employees reporting directly to the licensee.

2. The WLAJ licensee is managing its employees and takes an active and final role in all

programming decisions and station management and has done so since its

commencement of the most recent license term.

3. WLAJ employees do not report to WLNS management nor that WLNS management

takes any role in on-air production or branding. Phone records, emails, and station

visits with full trip reports should be provided to demonstrate the active management

of the WLAJ licensee.

4. WLAJ certifies that it makes all programming decisions at its sole discretion and that

there is no "piggy backing" of syndicated programming in which WLNS acquires

programming and assigns it for broadcast on WLAJ.

5. WLAJ certifies that WLJA maintains a separate web presence.

If they have nothing to hide, Media General and New Young should have no issues in

agreeing to adhere strictly to these conditions by providing regular affidavits to the public file

signed by the licensees of the members of the SSA and JSA and their employees. In the absence

of such self regulation the FCC should deny the merger or require that the WLAJ turn in it ABC

affiliation.

Respectfully submitted,

Spartan-TV, LLC

By:

Lawrence Rogow

Chairman

Spartan-TV, LLC 5670 Wilshire Boulevard Suite 1300 Los Angeles, CA 90036

- . . .

Dated: August 8, 2013

4

CERTIFICATE OF SERVICE

I, Christine Meng, hereby certify that copies of the "INFORMAL OBJECTION" dated August 8, 2013, for MB Docket No. 13-191 were submitted electronically to the followings:

- 1. Federal Communications Commission, MB Docket No. 13-191 via the Electronic Comment Filing System (ECFS): http://fjallfoss.fcc.gov/ecfs2/.
- 2. The Commission's duplicating contractor, Best Copy and Printing, Inc. via email to fcc@bcpiweb.com.
- 3. Evan Morris of the Video Division, Media Bureau, via email to evan.morris@fcc.gov.

Christine Meng

Cmy